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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/762,879
Applicants: Joseph H. Holland et al.
Filed: January 22, 2004
Title: METHOD OF ENABLING ACCESS TO DATA STRUCTURE
TC/A.U.: 2445
Examiner: Jeffrey R. Swearingen
Confirmation No.: 5447
Notice of Appeal Filed: June 23, 2010
Docket No.: To Be Assigned

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents
P. O. Box 1450
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S I R :

Responsive to the Notice of Panel Decision dated August 18, 2010, Appellants hereby request consideration and reversal of the Final Rejection dated April 13, 2010, of claims 1-19.

This Brief is presented in the format required by 37 C.F.R. § 41.37, in order to facilitate review by the Board. In compliance with 37 C.F.R. § 41.37(a)(1), this Brief is being filed within the time allowed for response to the action from which the Appeal was taken or within two months from the date of the Notice of Appeal, whichever is later.

The fees for filing a Brief in support of an Appeal under 37 C.F.R. § 41.20(b)(2), together with any extension fee required in connection with the filing of this Brief, are provided herewith.

I. REAL PARTY IN INTEREST

The real Party In Interest in this matter is Landmark Commerce, LLC by virtue of an assignment recorded on January 22, 2004, at Reel/Frame 014925/0973.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences related to the subject matter of this Appeal, except as follows.

III. STATUS OF CLAIMS

Claims 1-19 are pending. Claims 1-19 have been rejected.

IV. STATUS OF AMENDMENTS

An amendment was filed on January 13, 2010. That amendment has been entered.

V. SUMMARY OF INVENTION

Appellants' claim 1 corresponds to a method for enabling access to a data structure. User addresses are assigned to respective sections of a data structure on a common spreadsheet (specification, page 4, lines 1-3 and Fig. 1). As illustrated, for example, in Appellants' Fig. 1 (which illustrates an exemplary embodiment of the present invention), various e-mail addresses are assigned to different portions of a common spreadsheet. Each section is comprised of independently accessible storage areas (specification, page 4, lines 3-13). Each user is given access rights to the sections of the database that have been associated with their respective address (specification, page 4, lines 3-13). The sections each user has been given access to are displayed as a common layer of a common spreadsheet (page 12, line 1 and Fig. 1). If a users' address has not been associated with a section of the database, that user is prevented from accessing that section. A section in which a user has been prevented access to is not displayed in the common layer visible to that user (page 4, lines 10-13). A section in which a user has been given access to is permitted to partially overlap a section which another user has been given access to (page 6, lines 19-27). Partial overlap is permitted without complete overlap. Each user is enabled access to respective sections of the data structure after access rights have been granted (page 4, lines 20-25).

Appellants' claim 12 relates to a method of accessing a data structure. A user receives authorization to access a portion of a data structure on a common spreadsheet. The authorization is provided by associating a users' address with a

portion of the data structure. The data structure includes independently accessible storage areas (Appellants' page 4, lines 3-13 and Fig. 1). Access rights are granted for the user to access the portion of the data structure in response to receiving the authorization (Appellants' page 4, lines 3-13). The sections each user has been give access to are displayed as a common spreadsheet (page 12, line 1 and illustrated, for example, by Appellants' Fig. 1). Other then the user that has been given access to a section, other users are prevented access to that section. A section to which a user has been prevented access is not displayed in the common layer (page 4, lines 10-13 and page 4, lines 14-16). A users' section is permitted to partially overlap another users' section without completely overlapping that other users' section (page 6, lines 19-27). After access rights have been granted, the users are enabled access to the respective sections of the data structure (page 4, lines 20-25).

Appellants' claim 18 relates to a computer readable storage medium and includes software that enables access to a data structure. Appellants' claim 18 corresponds to a method for enabling access to a data structure. User addresses are assigned to respective sections of a data structure on a common spreadsheet (specification, page 4, lines 1-3 and Fig. 1). As illustrated, for example, in Appellants' Fig. 1 (which illustrates an exemplary embodiment of the present invention), various e-mail addresses are assigned to different portions of a common spreadsheet. Each section is comprised of independently accessible storage areas (specification, page 4, lines 3-13). Each user is given access rights to the sections of the database that have been associated with their respective address (specification, page 4, lines 3-13). The sections each user has been given access to are displayed as a common layer of a common spreadsheet (page 12, line 1 and Fig. 1). If a users' address has not been associated with a section of the database, that user is prevented from accessing that section. A section in which a user has been prevented access to is not displayed in the common layer visible to that user (page 4, lines 10-13). A section in which a user has been given access to is permitted to partially overlap a section which another user has been given access to (page 6, lines 19-27). Partial overlap is permitted without complete overlap. Each user is enabled access to respective sections of the data structure after access rights have been granted (page 4, lines 20-25).

Appellants' claim 19 relates to a method of a method of enabling access to a data structure. A first cell is associated with a first section of a data structure on a common spreadsheet (Appellants' page 4, lines 1-3 and Fig. 1). A second cell is associated with a second section of the data structure (Appellants' page 4, lines 1-3 and Fig. 1). A first address of a first user is associated with the first cell and a second address of a second user is associated with the second cell (page 4, lines 1-3 and Fig. 1). First access rights are granted to the first user to access the first section of data and second access rights are granted to the second user to access the second section of data (page 4, lines 3-13). The section each user has been given access to are displayed as a common layer of a common spreadsheet (page 12, line 1 and Fig. 1). The first user is prevented from accessing data in the second users' section and the second user is prevented from accessing data in the first users' section. Sections which a user has been prevented access to are not displayed to that user (page 4, lines 10-16). The first section partially overlaps the second section. Each user is enabled to view data contained in their respective section (page 4, lines 20-25).

VI. ISSUES

Whether claims 1-3, 5-7, 9, 12, 14-16 and 18 are patentable under 35 U.S.C. §103(a) in view of Ryan (U.S. 2002/0010743) in view of Cseri (U.S. 5,623,591).

Whether claims 8, 10, 11, 17 and 19 are patentable under 35 U.S.C. §103(a) in view of Ryan, Cseri and further in view of Guttman et al. (U.S. 6,988,241).

Whether claims 4 and 13 are patentable in view of Ryan, Cseri and further in view of Obhan (U.S. 5,875,302).

VII. ARGUMENT

Claims 1-3, 5-7, 9, 12, 14-16 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan (U.S. 2002/0010743) in view of Cseri (U.S. 5,623,591). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

Ryan discloses a method and apparatus for providing entire work sheets to authorized individuals. As set forth in Ryan at paragraph [0107], line 7:

The spreadsheet distribution program 40 modifies the listing of included worksheets so that it displays only those worksheets designated to be received by the recipient.

Thus, recipients are those individuals who have been designated to receive specific worksheets. Please note that in Ryan, the entire worksheet is shown to the individual that has access rights to that worksheet.

Appellants' invention is different than Ryan. Ryan discloses the ability to permit access to entire layers of spreadsheet. By contrast, in Appellants' invention, users of a spreadsheet are given access to a layer of the spreadsheet on a column and/or row basis (for example, although even finer levels of access are covered by Applicants' claims). Page 3, line 21 et seq. of Appellants' specification describes an exemplary embodiment with reference to Fig. 1:

Referring now to Fig. 1, a spreadsheet is provided which summarizes the annual budget of XYZ company. Each of a number of budget areas of the company ... are assigned a column in the spreadsheet ... above each budget area column is an assigned e-mail data cell. By entering an e-mail address of a user into the "assigned e-mail" data cell, the user corresponding to the e-mail address is given access to the data cells in the budget area column.

In certain embodiments of the present invention, a user may only be able to view the portion of the data structure to which the user has been provided access rights to. In such an embodiment, John Brown would only be able to see the data cells in the office space budget area column, Mike Holt would only be able to view the data cells in the office supplies budget area column, etc.

... access rights refers to any of a broad class of data structure access rights, for example, editing access, viewing access, creation access, and any combination thereof.

It is because Appellants are sharing access to a data structure in a common layer, that particular advantages are obtained which are neither disclosed nor suggested by the prior art. In particular, a section of the spreadsheet layer for one individual can partially overlap the section of the spreadsheet layer for another individual without completely overlapping the second person's section. Refer, for example, to Applicants' Fig. 3. Note how PHart has access to all of the human resources data while JYU has access to only the hourly maintenance subsection of the

human resources data. Because Ryan assigns users to spreadsheets on a per layer basis, it would be completely impossible for Ryan to permit partial overlap of authorized sections of the spreadsheet as is achieved by Applicants. Thus, Applicants' claim 1 includes the feature of:

... wherein one of said sections of one of said users is permitted to partially overlap another of said sections of another of said users without completely overlapping said another of said sections.

Similarly, because Appellants are permitting database access to a common layer (at least logically speaking), Applicants are able to achieve the claimed feature of:

... displaying the sections each of the users has access to as a respective common layer of the common spreadsheet.

Thus, Appellants achieve particular synergy which Ryan neither discloses nor suggests. The combination of common layer display and partially overlapping access enables cells within the spreadsheets to be viewed simultaneously, something which Ryan is completely incapable of doing. Thus, the synergy of these two features provides claim limitations which distinguish over Ryan.

In response to the Appellants' previous amendment, Ryan was combined with Cseri. The combination of Ryan and Cseri, however, still does not read on Appellants' claimed invention.

The previous Official Action argues that Cseri discloses displaying the sections each of the users has access to as a respective common layer of the common spreadsheet. The Official Action also refers to Cseri, Fig. 2A. Thus, the Official Action argues that Cseri discloses the following feature recited in Appellants' claim 1:

... displaying the sections each of the users has access to as a respective common layer of the common spreadsheet ...

As stated above, the Official Action argues that Appellants' claimed feature is disclosed by Cseri, Fig. 2A. Appellants' representative, however, has looked at Fig. 2A of Cseri and has not found the above quoted feature from claim 1. Cseri Fig. 2A shows a single layer of a single spreadsheet. How the single layer of the single

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spreadsheet reads on Appellants claimed "respective common layer" for each of the "sections each of the users has access to" is lacking from the argument provided in the Official Action. For the reference to be a proper reference for rejecting Appellants' claim 1, multiple users, each with their own respective layer of the spreadsheet would need to be disclosed. Thus, each users' layer would need to be visible as a common layer of the spreadsheet. That feature is neither disclosed nor suggested by Cseri. Thus, Appellants' claim 1 is patentable over the combination of Ryan and Cseri.

Appellants' claim 1 includes a further feature which is not found in the references of record:

... wherein any of said sections to which any of the users has been prevented access are not displayed in each of the users' respective common layer ...

Again, as shown in Appellants' Fig. 3, PHart has access to all of the human resources data while Jyu has access to only the hourly maintenance subsection of the human resources data.

Figure 3

Annual Budget By Month, XYZ Company

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Assigned E-mail	Budget Area												
jbrown@xyz.com	Office Space												
mcolt@xyz.com	Office Supplies												
phart@xyz.com	Human Resources												
phart@xyz.com	...Salaried Management												
phart@xyz.com	...Salaried Engineering												
jyu@xyz.com	...Hourly Maintenance												
phart@xyz.comEast Coast												
jgeorgae@xyz.comWest Coast												
jyu@xyz.com	...Hourly Operations												
jyu@xyz.com	...Hourly Secretarial												
cbams@xyz.com	...Union Contractors												
cbams@xyz.com	...Non-Union Contractors												
skelly@xyz.com	Marketing Expenses												
skelly@xyz.com	Entertainment Expenses												
	Equipment Rental												
	Equipment Maintenance												

As stated above, Ryan assigns users to spreadsheets on a per layer basis. Thus, it would be impossible for Ryan to permit partial overlap of authorized sections of the spreadsheet as achieved by Appellants. Appellants acknowledge that the claims were rejected by combining Ryan with Cseri. In particular, the Official Action refers to Fig. 6F of Cseri. Fig. 6F of Cseri, however, has nothing to do with "any of said sections to which any of the users has been prevented access are not displayed in each of the users respective common layer." In this regard, the Official Action is not understood. Appellants' representative understands that the Official Action has argued that Ryan, paragraphs [0106] and [0107] discloses password protection of respective layers. The Official Action, however, draws no conclusion how this feature of Ryan is combined with Cseri's ability to designate overlapping cells with regard to the prevention of cells while displaying each users' respective layer.

KSR requires articulated reasoning for combining references. The Official Action combines Ryan, where sections to which users are prevented access to are not displayed in the common layer, with Cseri, which also discloses nothing about preventing display of sections to which users have been prevented access to in a common layer. Thus, the requisite articulated reasoning that KSR requires is lacking from the Official Action. Accordingly, the rejection is improper and should be withdrawn.

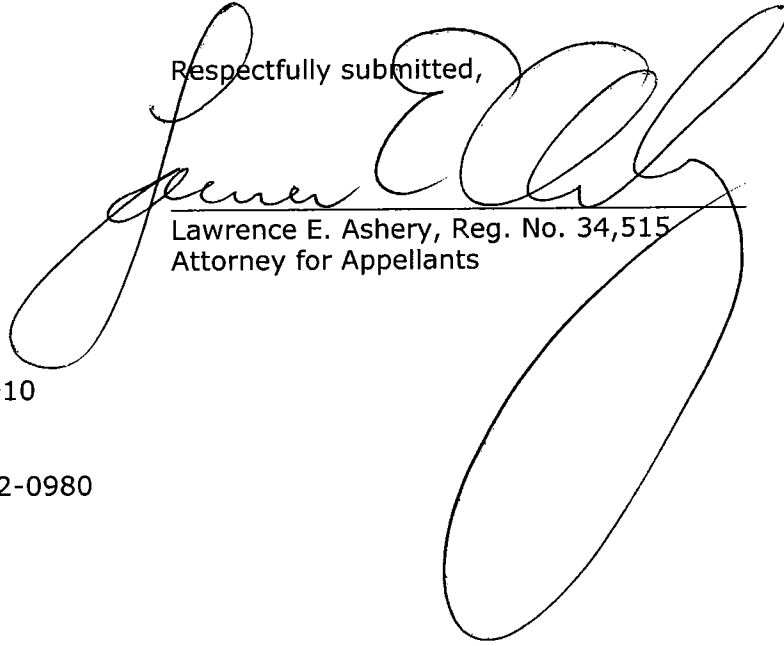
Claims 12, 18 and 19, while not identical to claim 1, are also patentable over the art of record for reasons similar to those set forth above with regard to claim 1.

The dependent claims have been rejected in the three rejection statements set forth in the Official Action. Those dependent claims are patentable by virtue of their dependency on allowable independent claims.

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This application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the typed name and title.

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APPENDIX

VIII. CLAIMS

1. A method of enabling access to a data structure having a plurality of sections, said method comprising the steps of:

associating addresses of users with respective sections of the data structure on a common spreadsheet wherein each of the respective sections is comprised of a plurality of independently accessible storage areas;

granting access rights for each of the users to access the sections corresponding to the associated addresses of the respective users

displaying the sections each of the users has access to as a respective common layer of the common spreadsheet

preventing any of said users from having access to any of said sections which have not been associated with the address of said any of said users, wherein the sections of the data structure exist and include data prior to said access rights being granted, and wherein any of said sections to which any of the users has been prevented access are not displayed in each of the users' respective common layer; and

wherein one of said sections of one of said users is permitted to partially overlap another of said sections of another of said users without completely overlapping said another of said sections

enabling each of the users to access the storage areas in the respective sections of the data structure associated with each users' respective address, after said access rights are granted.

2. The method of claim 1 wherein said step of associating includes entering the addresses into respective linking sections of the data structure, each of the linking sections being associated with a portion of the sections of the data structure.

3. The method of claim 1 wherein said step of associating includes associating the addresses to the respective sections of the data structure from another data structure.

4. The method of claim 1 further comprising the step of:

sending an e-mail to one of the users alerting the user of the user's ability to access the sections of the data structure associated with the user's address.

5. The method of claim 1 further comprising the step of:

creating, by one of the users, a password, to limit access to the sections of the data structure associated with the one user's address to the one user and other users having access rights to the sections of the data structure associated with the one user's address.

6. The method of claim 1 further comprising the step of:

reassigning, by one of the users, said access rights to at least a portion of the sections of the data structure associated with the one user's address to another user.

7. The method of claim 1 wherein said step of enabling includes enabling at least one of editing the respective sections by users corresponding to the associated addresses, and viewing the respective sections by users corresponding to the associated addresses.

8. The method of claim 1 wherein said step of associating includes associating the addresses of the users with respective data cells of a spreadsheet included in the data structure.

9. The method of claim 1 wherein said step of associating includes selecting at least one section in the data structure and entering the respective address into a linking section of the data structure to link the at least one selected section with the user associated with the entered address, and said step of enabling includes enabling access to the at least one selected section to the user associated with the entered address.

10. The method of claim 9 wherein said step of selecting included in said step of associating includes selecting the at least one section as a data cell in a spreadsheet, and said step of enabling includes enabling access to the data cell to the user associated with the entered address.

11. The method of claim 10 wherein said step of selecting includes at least one of highlighting the data cell and clicking on the data cell.

12. A method of accessing a data structure, said method comprising the steps of:

receiving authorization, by a user, to access at least a portion of a plurality of sections included in the data structure on a common spreadsheet, the authorization being provided by associating an address of the user with the portion of the sections in the data structure, wherein each of the sections is comprised of a plurality of independently accessible storage areas;

granting access rights for the user to access the portion of the sections of the data structure responsive to the received authorization

displaying the sections each of the users has access to as a respective common layer of the common spreadsheet

preventing users other than the user from having access to any of said sections which have not been associated with the address of said any of said users, wherein the sections of the data structure exist and include data prior to said access rights being granted, and wherein any of said sections to which any of the users has been prevented access are not displayed in each of the users' respective common layer; and

wherein one of said sections of one of said users is permitted to partially overlap another of said sections of another of said users without completely overlapping said another of said sections

enabling the user to access the portion of the sections of the data structure associated with the address of said user, after said access rights are granted.

13. The method of claim 12 further comprising the step of:

receiving, by the user, an e-mail alerting the user of the user's ability to access the portion of the sections.

14. The method of claim 12 further comprising the step of:

creating, by the user, a password, to limit access to the portion of the sections of the data structure to the user and said other users having said access rights to the portion of the sections of the data structure.

15. The method of claim 12 further comprising the step of:

reassigning, by the user, said access rights to at least a portion of the portion of sections to another of said other users.

16. The method of claim 12 wherein said step of receiving includes at least one of receiving authorization to edit the portion of the sections, and receiving authorization to view the portion of the sections.

17. The method of claim 12 wherein said step of accessing includes accessing the portion of the sections as data cells in a spreadsheet.

18. A computer readable storage medium including software that is adapted to control a computer to implement a processing method of enabling access to a data structure having a plurality of sections, said processing method comprising the steps of:

associating addresses of users with respective sections of the data structure on a common spreadsheet, wherein each of the respective sections is comprised of a plurality of independently accessible storage areas;

granting access rights for each of the users to access the sections corresponding to the associated addresses of the respective users

displaying the sections each of the users has access to as a respective common layer of the common spreadsheet

preventing any of said users from having access to any of said sections which have not been associated with the address of said any of said users, wherein the sections of the data structure exist and include data prior to said access rights being granted, and wherein any of said sections to which any of the users has been prevented access are not displayed in each of the users' respective common layer; and

wherein one of said sections of one of said users is permitted to partially overlap another of said sections of another of said users without completely overlapping said another of said sections

enabling each of the users to access the storage areas in the respective sections of the data structure associated with each users' respective address, after said access rights are granted.

19. A method of enabling access to a data structure, said method comprising the steps of:

associating a first cell with a first section of the data structure on a common spreadsheet comprised of independently accessible storage areas;

associating a second cell with a second section of the data structure;

associating a first address of a first user with the first cell;

associating a second address of a second user with the second cell;

granting first access rights for the first user to access the first section of the data structure

granting second access rights for the second user to access the second section of the data structure

displaying the sections each of the first user and the second user has access to as a respective common layer of the common spreadsheet

preventing the first user from accessing data in the second section, wherein the first and second sections of the data structure exist and include respective data

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prior to said first and second access rights being granted, and wherein any of said sections to which the first user has been prevented access are not displayed in the first user's respective common layer;

wherein the first section partially overlaps the second section without completely overlapping the second section

enabling the first user to view data contained in the first section of the data structure associated with the first address, after said first access rights are granted; and

enabling the second user to view data contained in the second section of the data structure associated with the second address, after said second access rights are granted.

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IX. EVIDENCE APPENDIX

None.

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X. RELATED PROCEEDINGS APPENDIX

None.